



12475/49402 (formerly 12475/31)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor : Jack B. JIANG et al.  
Serial No. : 10/668,473  
Filed : September 22, 2003  
For : **TRI (ALKYLCARBOXYLATO) GALLIUM (III)  
PRODUCTS AND PHARMACEUTICAL  
COMPOSITIONS CONTAINING THEM**  
Examiner : To Be Assigned  
Art Unit : To Be Assigned

**COPY**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Date: 11/24/04 Reg. No. \_\_\_\_\_  
Signature: Benedette DiSanna

**PETITION TO REVIVE UNAVOIDABLY  
ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(a)**

S I R:

Applicants hereby petition to revive the above-identified patent application under 37 C.F.R. 1.137(a). The application became unavoidably abandoned on November 10, 2004 for failure to timely respond to the Notice to File Missing Parts dated December 16, 2003.

Applicants hereby submit the required Response to the Notice to File Missing Parts dated December 16, 2003 in order to continue prosecution of the above-identified patent application.

The entire delay in Applicants' failure to file a response to the Notice to File Missing Parts dated December 16, 2003 was unavoidable, as Applicants did not receive the Notice to File Missing Parts purported to have been mailed on December 16, 2003 by the United States Patent and Trademark Office.

Applicants assert that no such Notice to File Missing Parts was received at the mailing address of record. Annexed hereto as Exhibit A are Lists for Mail Received for the period of December 17, 2003 to January 16, 2004. As the attached Lists for Mail Received from December 17, 2003 to January 17, 2004 indicate, no mail relating to the above-identified application was received from the United States Patent and Trademark Office for the period of

December 17, 2003 to January 17, 2004. Additional Lists for Mail Received are available for additional periods if required. If the Notice to File Missing Parts purported to have been mailed on December 16, 2003 had been received, such receipt would be indicated on a List for Mail Received.

Further, to date, Applicants have not received the Notice to File Missing Parts purported to have been mailed on December 16, 2003 by the United States Patent and Trademark Office. Applicants learned of the Notice to File Missing Parts when a Notice of Abandonment under 37 C.F.R. 1.53(f) or (g) dated November 10, 2004 was received at the mailing address of record. Subsequently, the Office of Petitions forwarded a copy of the Notice to Filing Missing Parts to Applicants' attorney by fax on November 16, 2004.

Applicants assert that if a Response to the Notice to File Missing Parts, purported to have been mailed on December 16, 2003, had been received at the address of record, a response would have been filed within the allotted time period since each inventor signed the Declaration in April 2004.

Annexed hereto as Exhibit B is a copy of the file jacket for the above-referenced application. The file jacket does not include an entry for a Notice to File Missing Parts. If the Notice to File Missing Parts purported to have been mailed on December 16, 2003 had been received, an entry would have been made on the file jacket for receipt of the Notice to File Missing Parts and for the due date for response.

It is respectfully submitted that the foregoing is a sufficient showing that the entire delay in responding to the Notice to File Missing Parts prior to the filing of this petition was unavoidable.

Kindly charge the petition fee of \$110.00 under 37 C.F.R. § 1.17(l) to the Deposit Account of Kenyon & Kenyon, Deposit Account No. 11-0600. The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in connection with these papers to Deposit Account No. 11-0600. A duplicate copy of this paper is enclosed for charging purposes.

Respectfully submitted,

Dated: Nov 24, 2004

By:   
John B. Starr, Jr. (Reg. No. 44,474)

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**CUSTOMER NO. 26646**